

Transfer from the District of New Jersey on 9/15/17

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to the appropriate calendar.

Address of Plaintiff:

New Jersey

Address of Defendant:

Pennsylvania

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number:

Judge

Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) Americans w/Disabilities Act

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.# _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/15/17

Attorney-at-Law

Attorney I.D.# _____

SEP 15 2017

PBTTransfer from the District of New Jersey on 9/15/17
UNITED STATES DISTRICT COURT

17 4135

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

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New Jersey

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(Use Reverse Side For Additional Space)

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(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

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2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐No ☐

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐No ☐

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐No ☐CIVIL: (Place ☒ IN ONE CATEGORY ONLY)

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1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
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3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
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DATE: _____

Attorney-at-Law

Attorney I.D.# _____

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DATE: 9/15/17

Attorney-at-Law

Attorney I.D.# _____

PBT

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Robert Brining

v.

WHYY, Inc., et al.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

Date 9/15/17

Steve Tomas
Attorney-at-law

Deputy Clerk
Attorney for

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

SEP 15 2017

CLOSED

PBT

**U.S. District Court
District of New Jersey [LIVE] (Camden)
CIVIL DOCKET FOR CASE #: 1:17-cv-05064-RMB-JS**

17 4135

BRINING v. WHYY, INC. et al
Assigned to: Judge Renee Marie Bumb
Referred to: Magistrate Judge Joel Schneider
Cause: 42:12101 Americans with Disabilities Act

Date Filed: 07/11/2017
Date Terminated: 09/15/2017
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

ROBERT BRINING

represented by **THOMAS MORE HOLLAND**
GRACE HALL
1522 LOCUST STREET
PHILADELPHIA, PA 19102
(215) 592-8080
Email: tmh@tmhlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

WHYY, INC.

represented by **GEORGE KAROUSATOS**
BIANCAMANO & DI STEFANO, PC
10 PARSONAGE ROAD
SUITE 300
EDISON, NJ 08837-2908
(732) 549-0220
Fax: 732-549-0068
Email: g.karousatos@bdlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

KAREN PETERSON

represented by **GEORGE KAROUSATOS**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

SCOTT LARKIN

represented by **GEORGE KAROUSATOS**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/11/2017	<u>1</u>	COMPLAINT against All Defendants (Filing and Admin fee \$ 400 receipt number 0312-7957108) with JURY DEMAND, filed by ROBERT BRINING. (HOLLAND, THOMAS) (Entered: 07/11/2017)
07/12/2017		Judge Renee Marie Bumb and Magistrate Judge Joel Schneider added. (mmb,) (Entered: 07/12/2017)
07/12/2017		Notice of Judicial Preferences. Click here for the Judge's Individual Procedure Requirements. (rtm,) (Entered: 07/12/2017)
07/12/2017		CLERK'S QUALITY CONTROL MESSAGE - The case you electronically filed has been processed, however, the following deficiencies were found: Cause of Action,Jury Demand,Party Information, . The Clerk's Office has made the appropriate changes. Please refer to the Attorney Case Opening Guide for processing electronically filed cases. (rtm,) (Entered: 07/12/2017)
07/12/2017	<u>2</u>	SUMMONS ISSUED as to SCOTT LARKIN, KAREN PETERSON, WHYY, INC. Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. Issued By *Ryan Merrigan* (rtm,) (Entered: 07/12/2017)
08/03/2017	<u>3</u>	SUMMONS Returned Executed by ROBERT BRINING. KAREN PETERSON served on 8/2/2017, answer due 8/23/2017. (HOLLAND, THOMAS) (Entered: 08/03/2017)
08/03/2017	<u>4</u>	SUMMONS Returned Executed by ROBERT BRINING. WHYY, INC. served on 8/2/2017, answer due 8/23/2017. (HOLLAND, THOMAS) (Entered: 08/03/2017)
08/03/2017	<u>5</u>	SUMMONS Returned Executed by ROBERT BRINING. SCOTT LARKIN served on 8/2/2017, answer due 8/23/2017. (HOLLAND, THOMAS) (Entered: 08/03/2017)
08/23/2017	<u>6</u>	AFFIDAVIT of Service for Plaintiff Complaint <i>Amended Summons</i> served on Harry Holland on 08/02/2017, filed by ROBERT BRINING. (HOLLAND, THOMAS) (Entered: 08/23/2017)
08/24/2017	<u>7</u>	MOTION to Dismiss by All Defendants. Responses due by 9/5/2017 (Attachments: # <u>1</u> Brief, # <u>2</u> Order, # <u>3</u> Certificate of Service, # <u>4</u> Cover Letter to Court)(KAROUSATOS, GEORGE) (Entered: 08/24/2017)
08/24/2017		Setting Deadlines as to <u>7</u> MOTION to Dismiss . Motion set for 9/18/2017 before Judge Renee Marie Bumb. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (js) (Entered: 08/25/2017)
08/25/2017	<u>8</u>	TEXT ORDER. This matter comes before the Court upon the Motion to Dismiss by Defendants WHYY, Inc., Karen Peterson, and Scott Larkin [Docket

		No. 7]. Pursuant to this Court's Individual Rules and Procedures I.A., "[i]n an effort to resolve cases expeditiously, before bringing a motion to dismiss... a party must submit a letter" described therein. Defendants have not submitted a letter in compliance with this Court's Individual Rules and Procedures prior to filing the Motion to Dismiss. Accordingly, it is hereby ORDERED that the Motion to Dismiss [Docket No. 7] is ADMINISTRATIVELY TERMINATED. So Ordered by Judge Renee Marie Bumb on 8/25/17. (ar1,) (Entered: 08/25/2017)
08/28/2017	<u>9</u>	Letter from Defendants - Pre-Motion Conference. (KAROUSATOS, GEORGE) (Entered: 08/28/2017)
09/06/2017	<u>10</u>	TEXT ORDER. This matter comes before the Court upon the pre-motion conference letter filed by Defendants on August 28, 2017. [Dkt. No. 9]. Plaintiff has failed to address Defendants' letter within five (5) business days as required by Rule I.A of this Court's Individual Rules and Procedures. It is hereby ORDERED that the Plaintiff shall show cause before this Court within three (3) business days why he has failed to timely respond AND why the relief Defendants seek in their pre-motion letter should not be granted. If no response is filed, the Court will likely dismiss this matter for failure to prosecute, subject to re-opening only upon good cause shown. So Ordered by Judge Renee Marie Bumb on 09/06/17. (Bumb, Renee) (Entered: 09/06/2017)
09/07/2017	<u>11</u>	Letter from Thomas More Holland re 10 Order,, (HOLLAND, THOMAS) (Entered: 09/07/2017)
09/08/2017	<u>12</u>	FIRST AMENDED COMPLAINT against SCOTT LARKIN, KAREN PETERSON, WHYY, INC., filed by ROBERT BRINING.(js) (Entered: 09/08/2017)
09/11/2017	<u>13</u>	ORDER TO SHOW CAUSE ORDERED that Plaintiff shall show cause, by September 25, 2017, why this case should not be dismissed under 28 U.S.C. § 1406(a), or alternatively, transferred to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1404(a). Signed by Judge Renee Marie Bumb on 9/11/17. (dd,) (Entered: 09/11/2017)
09/13/2017	<u>14</u>	BRIEF to Transfer to Ed of PA (HOLLAND, THOMAS) (Entered: 09/13/2017)
09/15/2017	<u>15</u>	Order transferring case to District of EASTERN DISTRICT OF PENNSYLVANIA;. Signed by Judge Renee Marie Bumb on 9/15/2017. (rtm,) (Entered: 09/15/2017)
09/15/2017		***Civil Case Terminated. (rtm,) (Entered: 09/15/2017)
09/15/2017		Case extracted via ECF to District of Pennsylvania Eastern. (dd,) (Entered: 09/15/2017)

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Transaction Receipt

09/18/2017 08:58:35

PACER Login:	ue0496:4286791:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:17-cv-05064-RMB-JS Start date: 1/1/1970 End date: 9/18/2017
Billable Pages:	3	Cost:	0.30